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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 25 August 2022 from 10.15 am - 12.25 pm.

**PRESENT:** Councillors Derek Carnell (Chair), Mike Dendor and Carole Jackson.

**OFFICERS PRESENT:** Philippa Davies, Chris Hills and Helen Ward.

**OFFICERS PRESENT (Virtually):** Kellie MacKenzie.

**ALSO IN ATTENDANCE (Virtually):** Councillors Cameron Beart and Oliver Eakin.

256 **Emergency Evacuation Procedure**

The Chair drew attention to the emergency evacuation procedure.

257 **Notification of Chairman and Outline of Procedure**

The Chair opened the meeting and asked those present to introduce themselves.

258 **Declarations of Interest**

No interests were declared.

259 **Application for a new Premises Licence**

The Licensing Team Leader introduced the report which was for a new Premises Licence at Unit 1, Britannia House, 75 High Street, Sheerness. She outlined the proposed activities and hours, as set-out on page six of the report. No representations had been received from a responsible authority, but there had been seven representations from members of the public on the basis of all four of the licensing objectives, and these were set-out in Appendix V of the report. The Licensing Team Leader explained that some of the objections had referred to the potential fire risk brought on by the proposed development. Kent and Medway Fire and Rescue Service had since been contacted in light of the comments, but no reply had been received to-date. In response to the concerns, the Applicant had commissioned a Fire Risk Assessment, and this was set-out in Appendix VI of the report.

The Chair invited the Applicant to present their case. The Applicant explained that the application was for a fine dining restaurant, not a bar or night club and live music would be played there, mainly on Friday and Saturday evenings. He noted that there had been no objections from responsible authorities.

The Sub-Committee were invited to ask the Applicant questions. The Applicant explained that the area marked out for a smoking area, was not part of the current proposed work, but this was a plan for the future. There was currently no seating in that area, and he suggested that it could one day be paved by Kent County Council. He also clarified that there would be no outside music at all. In response to a question on fire safety, the Applicant explained that there would be fire proof cladding within the building. He highlighted that the building's previous use included a kitchen, which was also underneath the bedrooms of the flats above. He outlined the fire alarm system which would be in

place. Acknowledging the concerns with the risk of fire to the flats above, the Applicant explained that the floor/ceiling was made of concrete which reduced the fire risk. He explained that once the refurbishment was complete, another fire risk assessment would be carried out. The Applicant considered the development would not pose an additional risk to the residents in the flats above, as they had their own kitchens in place. He confirmed there were no internal fire escapes. In response to further questions, the Applicant explained that between 11 pm and 12 am, the premises would be preparing to close, and no new customers would be admitted into the premises after 10 pm. He added that customers would be seated whilst they were drinking. Referring to page six of the report, with live music being played both indoors and outdoors, he confirmed that this would be indoor only.

The objectors were invited to raise any questions of the Applicant and they raised the following points:

- Concerned with the outside space within the application as this was the main delivery road for the local shops and the road was often very busy;
- there was no street lighting;
- fire risk concerns;
- any fire alarm in the new premises would not alert the residents in the flats above;
- acknowledged that some of the ceiling was concrete, but towards the front of the building, it was made-up of very old timber; and
- concerned with any music coming from the premises as it was not possible to fully sound-proof the building as the door would be open at some point.

In response, the Applicant explained the following: that there were no immediate plans to utilise the outside area as part of the development, but that this had just been included within the plans; lighting could be installed outside the building, but there then could be a light pollution issue; he was happy to install receptors in the flats above so that the residents were alerted of any fire instances; and he confirmed that he had applied for live music until 10 pm and recorded music until 12 am.

The objectors were invited to present their case and they raised the following points:

- Concerned with the sale of alcohol and the playing of music under rooms that were used for sleeping by the flats above the premises;
- vibration and noise issues with the potential to cause sleep deprivation and affect mental health of the residents above;
- issues with smoke and cooking smells;
- anti-social behaviour issues;
- there were other more suitable locations for this type of development; and
- there was no fire break between the concrete and the timber in the building.

In response, the Applicant explained that extensive CCTV would be installed at the premises and any external chairs and tables would be unusable by 9 pm, and not 10 pm as in the original application.

At this point the meeting was adjourned for the Sub-Committee to seek advice from the Legal officer.

On returning to the Chamber, the objector continued to present their case with assistance from their friend who was also in attendance, and they raised the following points:

- It was unreasonable that the residents in the flats above the premises could not open their windows without the threat of noise, smoke, and smells from the kitchen;
- this development could de-value the flats above;
- understood that the Planning Team had advised that this development would not be permitted; and
- this was not good for the local community.

The Legal Officer advised that although the Licensing and Planning were similar in some cases, they were on the whole separate regimes and as such Planning considerations could not be taken into account in this case.

In summing-up, the objector explained that he wanted to put his tenants first and wanted to safeguard their mental health and not have their sleep disturbed. The Applicant summed-up by re-confirming that this was not a bar, but a sit-down restaurant and that they had done everything they could correctly by adding conditions to the application.

Members of the Sub-Committee adjourned to make their decision at 11.42 am. Members of the Sub-Committee, the Lawyer – Contentious and Democratic Services Officer returned at 12.23 pm when the meeting was reconvened.

The decision as set-out in Appendix I to these minutes was announced.

***Resolved:***

***(1) The Sub-Committee agreed to grant the licence as set out in Appendix I to these minutes and subject to the conditions set out in the Committee report and to the two amendments which were confirmed at the hearing:***

***1. Live Music is permitted indoors only.***

***2. The condition relating to external tables and chairs shall read that they are to be rendered unusable by 9 pm each day, and not 10 pm as in the original application.***

260 **Adjournment of Meeting**

The meeting was adjourned from 11.11 am to 11.31 for the Sub-Committee to seek legal advice and from 11.42 am to 12.23 pm for them to make their decision.

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel